

MEMORANDUM

Date: July 26, 2012
To: Transfer 77960
From: bjordan
Re: Transfer Evaluation

This transfer proposes to change the place of use for water rights 35-13683, 35-13682, 35-13684, 35-13685, 35-13687, 35-13689, 35-2244, 35-2358, 35-13775, 35-13774, 35-13776, 35-13777, 35-13822 and 35-13953. The applicant seeks to rearrange the place of use for these water rights to irrigate a total of 1713.5 acres. The points of diversion will remain the same.

A second transfer (77988) was filed simultaneously which moved 85.7 acres from water rights 35-13822 and 35-13953 and combined them with water rights 35-13954, 35-13547, and 35-13549 for the irrigation of 1270.5 acres. Water rights 35-13822 and 35-13953 share a 1799.2 acre combined place of use with 35-13683, 35-13682, 35-13684, 35-13685, 35-13687, 35-13689, 35-2244, 35-2358, 35-13775, 35-13774, 35-13776, 35-13777. To avoid splitting a combined 85.7 acres between 14 water rights and end up with fractional acres (< 1.0 acres), 85.7 acres will be taken from water rights 35-13822 and 35-13953.

In order to process this transfer and transfer 77960 simultaneously, water rights 35-13822 and 35-13953 had to be pre-split. Water rights 35-13822 and 35-13953 were split into the following:

35-13822 split into 35-14270 (transfer 77988) and 35-13822 (transfer 77960)
35-13953 split into 35-14271 (transfer 77988) and 35-13953 (transfer 77960)

The approval documents summary page for transfer 77988 will reflect the acre reduction, rate of diversion reduction, and annual volume reduction to water rights 35-13822 and 35-13953. This transfer will reduce (85.7 acre reduction) the combined place of use and change the combined place of use for the remaining portion of water rights 35-13822 and 35-13953, and water rights 35-13683, 35-13682, 35-13684, 35-13685, 35-13687, 35-13689, 35-2244, 35-2358, 35-13775, 35-13774, 35-13776, and 35-13777 from 1799.2 acres to 1713.5 acres.

Authority to File:

The applicants are the current owners of water rights per IDWR record. The property at the proposed place of use is owned by the applicants, Black Rock Partnership or the Department of Lands. The applicants have a lease agreement with the Department of Lands. A consent letter was provided by Black Rock Partnership. Rob Harris who is the applicants attorney signed the application.

Validity:

Water rights decreed in 2002. 2009 and 2011 aerial photography shows land to be irrigated. Some of the land under the current and proposed place of use is enrolled in CREP. Water rights will continue to cover land enrolled in CREP. Forfeiture is not an issue.

Injury to Other Water Rights:

These ground water rights are inside the ESPA model boundary and under the jurisdiction of Water District 120. No changes in points of diversion. No ESPA analysis required. Will process as a "no ad transfer". Watermaster does not oppose transfer. No injury issues identified.

M E M O R A N D U M

Enlargement of Use:

28.6 acres of the 85.7 acres removed by transfer 77988 was taken from rock piles located in the NE ¼ of 01S, 34E, Section 7. The water rights appurtenant to these rock piles were transferred off as a result of the applicants offering the land located the NE ¼ of 01S, 34E, Section 7 to CREP. If the CREP application is denied the applicant will remove the center pivot and use hand lines to irrigate the land located in the NE ¼ of 01S, 34E, Section 7. The rock piles will not be irrigated. No enlargement issues identified

Local Public Interest:

No issues identified.

Beneficial Use / Conservation of Water Resources:

No issue identified.

Review of the application finds there is not clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.